

REMARKS

In the Office Action dated July 18, 2007,¹ the Examiner rejected claims 24, 27, 31, 34, 35, and 38-44 under 35 U.S.C. § 103(a) as being unpatentable over Japanese Publication No. 09-162821 by Noriya Sakamoto ("Noriya") in view of Japanese Publication No. 05-090908 by Shuji Nakajima ("Shuji"); rejected claims 25, 26, 28-30, 32, and 33 under 35 U.S.C. § 103(a) as being unpatentable over Noriya in view of Shuji, and further in view of a publication titled "Specification for Service Information (SI) in Digital Video Broadcasting (DVB) Systems" ("DVB"); and rejected claims 36 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Noriya in view of Shuji, and further in view of DVB and a publication titled "Measurements in MPEG2 and DVB-T signals" ("R&S").

None of Noriya, Shuji, DVB, and R&S, taken individually or in combination, teaches or suggests each and every element recited by claims 24-44. Independent claim 24, for example, recites "a transmitter that transmits a first transport stream . . . including links . . . and priorities for the links" (emphasis added). The Examiner acknowledges that Noriya does not teach or suggest at least this element. Office Action at 3. However, the Examiner asserts that Shuji discloses the claimed "transport stream . . . including . . . priorities for the links." Id. Applicants respectfully disagree.

Although Shuji discloses priorities for improving channel selection, Shuji does not teach or suggest transmitting priorities in a "first transport stream," as recited by claim 1.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Instead, Shuji discloses building priorities in memory for each receiver by “lowering priority one by one” when “a receive state is bad.” Shuji, paragraph 0030.

When an individual using the system of Shuji moves into a new region, the receiver will have to find a better receive state for each channel and assign priorities accordingly. This process can be slow and frustrate a user. Moreover, building a priority list in a receiver may fail when an individual moves frequently because the system may not identify the best stations before the individual moves to a new region. For example, a receiver in a car using the system of Shuji would have to identify different stations frequently as the user moves into new regions, and building a priority list in memory would not occur frequently enough to provide optimal tuning.

In contrast, claim 1 requires “transmit[ing] a first transport stream including links . . . and priorities for the links.” A receiver can therefore immediately “search the program of the service area having the highest priority to consequently reduce the time necessary for the search operation.” Applicants' Specification at 12.

Neither DVB nor R&S, taken individually or in combination, teaches or suggests “transmit[ing] a first priority stream including . . . priorities for the links,” as recited by new independent claim 24. Independent claims 27, 34, 40, and 44, although of different scope than claim 24, patentably distinguish from the references for at least the same reasons as claim 24. Claims 25-27, 28-33, 35-39, and 41-43 depend from independent claims 24, 27, 34, 40, and 44, and therefore include all of the elements recited therein. Accordingly, the Examiner’s rejections of the dependent claims are improper for at least the same reasons as the independent claims. Applicants therefore respectfully request that the Examiner allow claims 24-44.

Should the Examiner continue to dispute the patentability of the claims after consideration of this Reply, Applicants encourage the Examiner to contact Applicants' undersigned representative by telephone to discuss any remaining issues or to resolve any misunderstandings.

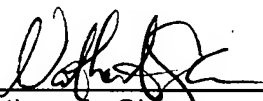
In view of the foregoing remarks, Applicants submit that this claimed invention is neither anticipated nor rendered obvious in view of the references cited against this application. Applicants therefore request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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